



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rajiv KUMAR, et al
Serial No.: 10/806,061 Group No.: 1625
Filed: March 22, 2004 Examiner: D. Margaret M Seaman
For: PROCESS FOR THE PRODUCTION OF PYRIDINE AND PICOLINES

Attorney Docket No.: U 015095-2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION ACTION

In response to the Official Action of 29 September 2006, wherein the Examiner has required an election as between inventions, Applicants hereby elect with traverse to prosecute

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in the present application the invention of Group VII drawn to methods of making picoline using formaldehyde as the carbonyl compound. Claims 1-11 read on the elected invention. The election is respectfully made with traverse for the reasons next discussed.

As set forth in MPEP 806.05(j), for related process inventions, the inventions are distinct if

(A) the inventions *as claimed* do not overlap in scope, i.e., are mutually exclusive;

(B) the inventions *as claimed* are not obvious variants; and

(C) the inventions *as claimed* are either not capable of use together or can have a materially different design, mode of operation, function, or effect.

The burden is on the examiner to provide an example to support the determination that the inventions are distinct.

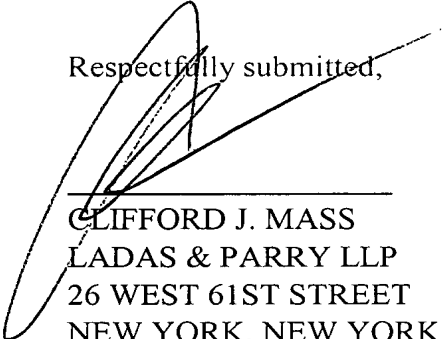
Applicants respectfully submit that the Examiner has not met the initial PTO burden of providing an example to support the determination that the inventions are distinct. Moreover, Applicants respectfully submit that the Examiner cannot meet the initial PTO burden of showing that the claimed inventions are mutually exclusive because they are not.

The invention as defined by all claims of record relates to preparation of pyridines and

picolines from various carbonyl compounds using titanium-silicate ("TS") as a catalyst. Here, the common thread is the use of TS catalyst prepared using the method disclosed in the application in the preparation of the products. The method of preparation of TS is important as it gives a TS that has unique physical properties that drive the reactions differently than the known processes. Therefore, the inventions defined by the respective claims overlap in scope (i.e., are not mutually exclusive) and are not directed to distinct inventions.

In view of the above, Applicants have fully responded to the aforementioned Official Action and now respectfully request an examination on the merits of at least the elected claims.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890